

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Aharon Meir Eyal et al
Serial No.: 09/147,914
Filed: May 25, 1999
Attorney Docket No.: U012130-1

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: PETITION DECISION
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This is in response to the petition under 37 CFR 1.181, filed July 30, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

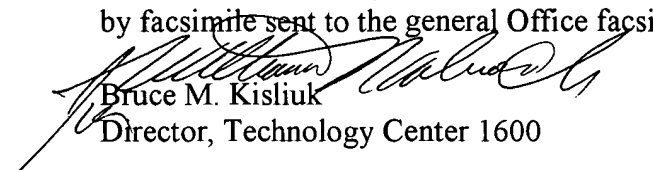
A review of the file history shows that the examiner mailed a Final Office action to applicants on April 9, 2002, setting a three month shortened statutory period for reply. Following an amendment after Final rejection submission and an Advisory Action, applicants filed a Notice of Appeal and three month extension of time on October 15, 2002 (Certificate of Mailing dated October 9, 2002). On April 15, 2003, applicants filed a request and fee for a four month extension of time and allege the filing of CPA papers concurrently therewith. On July 22, 2003, following a telephone interview with applicants' attorney, the examiner mailed a Notice of Abandonment to applicants on the belief that applicants' attorney had indicated the case had been abandoned.

Applicants state that the CPA papers were filed without the required filing fee with the expectation that a Notice of Missing Parts would be forthcoming. When none was received and the Notice of Abandonment was received instead, applicants filed a paper entitled "Completion of Filing Requirements" authorizing the filing and other fees be charged to a Deposit Account No. It is noted that this paper contains an incorrect Serial No., 09/174,914, rather than 09/147,914. This obviously caused difficulty in correlating the paper and fees with the correct file. Inasmuch as the CPA papers are not in the file and have not been located it is possible that they also contained an incorrect Serial No. Inasmuch as there is no direct evidence of the filing of CPA papers (other than a postcard alleging such) and the alleged CPA papers are not in the file, this application cannot be revived at this time.

The petition is **DISMISSED**. Any request for reconsideration of this decision must be filed within TWO MONTHS of the mailing date thereof.

The application will be retained in storage pending further submissions.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.



Bruce M. Kisliuk

Director, Technology Center 1600